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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,686	08/25/2003	Sharidan Lorraine Stiles	STILES.1C1CP1	3777

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Knobbe Martens Olson & Bear LLP
2040 Main Street
Fourteenth Floor
Irvine, CA 92614

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 12/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,686

Applicant(s)

STILES, SHARIDAN LORRAINE

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-12,15,21-24 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-12,15,21-24 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Appendix A & B</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 7, 8, 21, 27, and 29-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Heller (4,700,477). See Appendix A for examiner added reference numerals.

Claims 1, 7, 8, 21, 29, and 31:

In regards to claim 1, Heller discloses the same invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion (14) having a razor blade with a straight cutting edge attached to the upper portion (16), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the first and third axes form a fixed control angle that is less than 90° (103), the first and third axes intersect at a single point (AC), the first and second axes form a fixed contour angle that is less than 180° (105) and the head portion has a width of less than one inch (Column 2 lines 27-30).

In regards to claim 7, Heller discloses the lower longitudinal portion comprises a first curved shape (102a), the middle longitudinal portion comprises a second curved

shape (101a), and the first and second curved shapes form an ergonomically grip (Fig. 2).

In regards to claim 8, Heller discloses a glide surface area (18 and 34) and a blade area (22), and the glide surface area is larger than the blade area (Fig. 3).

In regards to claims 21 and 31, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

In regards to claim 29, Heller discloses the second and third axes form an extension angle greater than 90° (104) and the second and third axes intersect at a single point (AB).

Claims 4, 27, and 30:

In regards to claim 4, Heller discloses the same invention including a handle portion having lower (102), middle (101), and upper longitudinal portions (100), a head portion (14) having a razor blade with a straight cutting edge attached to the upper portion (16), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the lower longitudinal portion extends along a first axis (C), the middle longitudinal portion extends along a second axis (B), the upper longitudinal portion extends along a third axis (A), the first and third axes form a fixed control angle that is greater than 90° (103), the first and third axes intersect at a single point (AC), the first and second axes form a fixed contour angle that is less than 180° (106) and the head portion has a width of less than one inch (Column 2 lines 27-30).

In regards to claim 27, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

In regards to claim 30, Heller discloses the second and third axes form an extension angle greater than 90° (104) and the second and third axes intersect at a single point (AB).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Heinrich (2,139,680). Heller discloses the invention but fails to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with a replaceable pivoting head portion, as taught by Heinrich, to allow the user to be able to easily remove/discard the head portion and keep the handle.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Carreker (4,461,078). Heller discloses the invention but fails to disclose a length of the upper longitudinal portion is greater than the width of the head portion and a second razor blade mounted substantially parallel to the razor blade.

Carreker teaches that it is old and well known for miniature grooming shaving heads to

incorporate a length of the upper longitudinal portion is greater than the width of the head portion (18) and a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller with the length and a second blade, as taught by Carreker, to provide the user with a larger cutting surface.

6. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller. Heller discloses the invention but fails to disclose a head portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $1/8$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have

been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claims 22 and 28.

7. Claims 10 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb (Des. 169,147). In regards to claim 10, Heller discloses the invention including a handle portion (10), a head portion attached to the handle portion and formed with at least one razor blade having a straight cutting edge (14 and 16), the head portion is less than $\frac{1}{2}$ inch wide (Column 2 lines 27-30), the cutting edge of the razor blade is substantially perpendicular to a longitudinal axis of the handle (22 and C), the handle portion is capable of providing increased control over the head portion during shaving (Fig. 1), the handle portion further comprises a lower longitudinal portion of a first curved shape (102a), a middle longitudinal portion of a second curved shaped attached lengthwise to the lower longitudinal portion (101a), and a waist portion is formed between the first and second curved shape (101).

In regards to claim 23, Heller discloses the head portion has a width of less than $\frac{1}{4}$ inch (Column 2 lines 27-30).

However, Heller fails to disclose an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape.

Lamb teaches that it is old and well known in the art of razor handles to incorporate an ergonomically shaped handle and the handle portion has a front perspective that is substantially hour-glass in shape (Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have

provided Heller with the an ergonomically shaped handle, as taught by Lamb, to allow the handle to better conform to the user's hand.

8. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Heinrich. Heller in view of Lamb disclose the invention but fail to disclose a replaceable head portion and the head portion is pivotally mounted on the handle portion.

Heinrich teaches a replaceable head portion (16) that is pivotally mounted on the handle portion (13). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a replaceable pivoting head portion, as taught by Heinrich, to allow the user to be able to easily remove/discard the head portion and keep the handle.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb as applied to claim 10 above, and further in view of Carreker. Heller in view of Lamb disclose the invention but fail to disclose a second razor blade mounted substantially parallel to the razor blade.

Carreker teaches that it is old and well known for miniature grooming shaving heads to incorporate a second razor blade mounted substantially parallel to the razor blade (21). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided Heller in view of Lamb with a second blade, as taught by Carreker, to provide the user with a larger cutting surface.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heller in view of Lamb. Heller in view of Lamb disclose the invention but fail to disclose a head

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portion that is equal to or less than $1/8$ inch wide. It is noted that $1/8 = 2/16$. Heller discloses the width to be approximately $3/16 - 1/4$. Approximately roughly means near and $2/16$ is near $3/16$. It would have been obvious to one having ordinary skill in the art at the time the invention was made to making the head portion $1/8$ inch for the purpose of providing a safety razor with an improved cutting angle for specific areas of the user, because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art and it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. Furthermore, at the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the upper portion $1/8$ inch in length because Applicant has not disclosed that the specific head portion width provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either width because they both perform the function of facilitating the shaving operation. Therefore, it would have been an obvious matter of design choice to modify the device of Heller to obtain the invention as specified in claim 24.

Response to Arguments

11. Applicant's arguments with respect to claims 10-12, 15, 23, and 24 have been considered but are moot in view of the new ground(s) of rejection.
12. Applicant's arguments filed 29 September 2006 have been fully considered but they are not persuasive. First, the amendments/arguments with regards to independent

claim 4 is persuasive and have been rejected with a new grounds of rejection, however, in light of the new rejection, it is believed that the arguments with respect to claim 1 now apply to claim 4 as well.

Using Appendix A, applicant argues that item 103 does not represent the correct control angle as disclosed in the specification however the claim discloses that the first and third axes form a fixed control angle. Using Appendix B, first 33 and third (37) axes form a control angle A1, however, they also form control angles A2, A3, and A4 (with A2 and A4 being greater than 90°). Angles A1 and A3 are equal to one another and could only be a specific dimension with the cooperation of angles A2 and A4. Meaning A1 and A3 are dependent on A2 and A4 (and vice versa), therefore, A2 and A4 are as much control angles as A1. If A1 changes, all the angles change making them all a control angle regardless of placement. Applicant's claims only disclose that the first and third axes form a fixed control angle with no specifics to a specific angle. Therefore, all the angles anticipate the limitation and, in appendix A, items 103 and 106 are both control angles. These arguments also apply to the other two axes intersections that create angles. All of the angles created by these intersections are all equally considered contour or extension angles.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pope, Sferruzza, Jr., and Prochaska.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 07, 2006

A handwritten signature in black ink, appearing to read "Jason Prone", written in a cursive style.

Patent Examiner

Jason Prone

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T.C. 3700

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Appendix B

